

**SUMMONS AND TEMPORARY
RESTRAINING ORDER**

DOCKET NUMBER

1874CV00034

**Trial Court of Massachusetts
The Superior Court**



CASE NAME:

Matthew Vanderhoop vs. Wilmington Savings Fund Society FSB

**Joseph E. Sollitto, Jr., Clerk of Court
Dukes County**

TO:

Wilmington Savings Fund Society FSB

COURT NAME & ADDRESS

Dukes County Superior Court

81 Main Street

P. O Box 1267

Edgartown, MA 02539

To the above named defendant(s):

You are hereby summoned and required to serve upon, plaintiff's attorney:

Deborrah M Dorman, Esq.

Law Office of Deborrah M. Dorman

Post Off Box 944

Vineyard Haven, MA 02568

an answer to the complaint/3rd party complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint/3rd party complaint. You are also required to file your answer to the complaint/3rd party complaint in the office of Clerk of this Court at Edgartown either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

WE ALSO NOTIFY YOU that application has been made in said action for a Preliminary Injunction. A hearing will be held at the court house on:

Date: 09/04/2018

Time: 09:00 AM

Session: Civil A

Session Location: Dukes County Superior Court

at which time you may appear and show cause why such application should not be granted. In the meantime, until such hearing, **WE COMMAND YOU**, Wilmington Savings Fund Society FSB and your agents, attorneys and counselors, and each and every one of them:

Wilmington Savings Fund Society FSB is restrained and enjoined from conducting a Foreclosure auction of 17 South Road, Aquinnah, MA

DATE ISSUED

08/22/2018

ASSOCIATE JUSTICE

Hon. Cornelius J Moriarty, II

ASSISTANT CLERK

X

Joseph E. Sollitto Jr.

SESSION PHONE#

Affidavit of Process Server

TRIAL COURT OF MASSACHUSETTS THE SUPERIOR COURT, DUKES COUNTY

MATTHEW VANDERHOOP

VS

WILMINGTON SAVINGS FUND SOCIETY, FSB d/b/a
CHRISTIANA TRUST

1874CV00034

PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENT

CASE NUMBER

I, DENORRIS BRITT being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service. RECEIVED 9/24/18

Service: I served WILMINGTON SAVINGS FUND SOCIETY, FSB d/b/a CHRISTIANA TRUST
NAME OF PERSON / ENTITY BEING SERVED

with (list documents) SUMMONS AND TEMPORARY RESTRAINING ORDER WITH COMPLAINT & MOTION FOR TRO WITH AFFIDAVIT IN SUPPORT OF

by leaving with PATTI SMITH (authorized person) At

NAME

RELATIONSHIP

☐ Residence

ADDRESS

CITY / STATE

☒ Business 501 CARR RD. WILMINGTON, DE 19809

ADDRESS

CITY / STATE

On 9/24/18

DATE

AT 2:00 PM

TIME

Thereafter copies of the documents were mailed by prepaid, first class mail on

DATE

from

CITY

STATE

ZIP

Manner of Service:

☒ CORPORATE

☐ **Personal:** By personally delivering copies to the person being served.

☐ **Substituted at Residence:** By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of 18 and explaining the general nature of the papers.

☐ **Substituted at Business:** By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.

☐ **Posting:** By posting copies in a conspicuous manner to the front door of the person/entity being served.

☐ **Non-Service:** After due search, careful inquiry and diligent attempts at the address (es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

☐ Unknown at Address ☐ Moved, Left no Forwarding ☐ Service Cancelled by Litigant ☐ Unable to Serve in Timely Fashion

☐ Address Does Not Exist ☐ Other

Service Attempts: Service was attempted on: (1)

DATE

TIME

(2)

DATE

TIME

(3)

DATE

TIME

(4)

DATE

TIME

(5)

DATE

TIME

AGE

50

Sex F

Race W

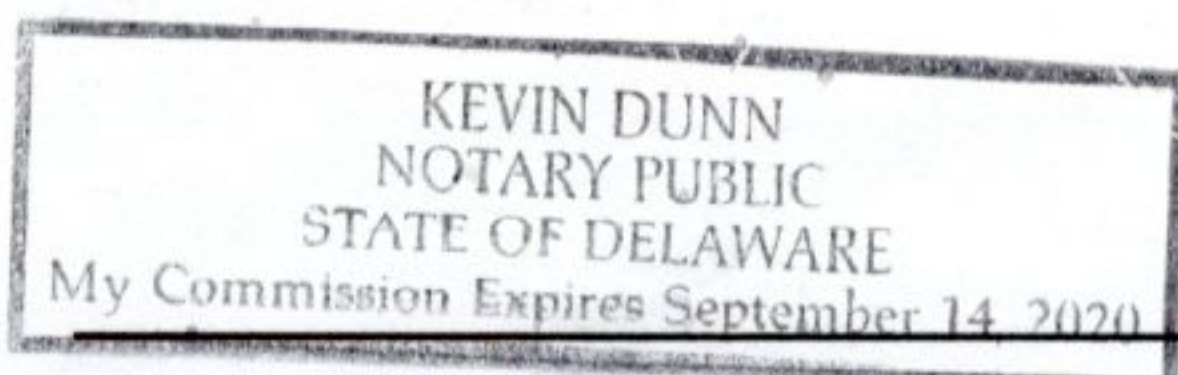
Height 5'5

Weight 140

HAIR GRAY

SIGNATURE OF PROCESS SERVER
DENORRIS BRITT
800-952-2288

SUBSCRIBED AND SWORN in the State of Delaware, New Castle County before me this 24TH day of Sept., 2018.



SIGNATURE OF NOTARY PUBLIC

NOTARY PUBLIC for the state of DELAWARE

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT**

DUKES, SS

DOCKET NO.

MATTHEW VANDERHOOP,
Plaintiff

VS

**WILMINGTON SAVINGS FUND
SOCIETY FSB, DOING BUSINESS AS
CHRISTIANA TRUST, NOT IN ITS
INDIVIDUAL CAPACITY, BUT
SOLELY AS TRUSTEE FOR BCAT
2014-10TT,
Defendant**

**COMPLAINT AND MOTION FOR TEMPORARY
RESTRAINING INJUNCTION FOR PROTECTION FROM
AN UNLAWFUL FORECLOSURE AUCTION OF HIS
HOME, G.L.c 244, Sec. 35B**

NOW COMES Mr. Matthew Vanderhoop, the Plaintiff in the above-captioned action, who presents this Complaint and Motion for Temporary Restraining Injunction for Protection from Unlawful Foreclosure Auction of his Home, located at 17 Old South Road, in Aquinnah, Massachusetts.

1. On or about April 24, 2007, Mr. Vanderhoop obtained a mortgage from Sovereign Bank for \$850,000 to purchase 17 Old South Road, Aquinnah. During the recent recession, Mr. Vanderhoop fell behind in his mortgage, but has been denied the opportunity to modify his mortgage in order to avoid foreclosure of his home in violation of G.L.c 244.
2. The Defendant does not have clear title to Mr. Vanderhoop's home, 17 Old South Road, Aquinnah.
3. On January 22, 2016, Angela Farmer, Vice President, signed an *Affidavit Regarding Note Secure by Mortgage to be Foreclosed*, by Wilmington Savings Fund Society, FSB, doing business as Christiana Trust, not in its individual capacity but solely as Trustee for

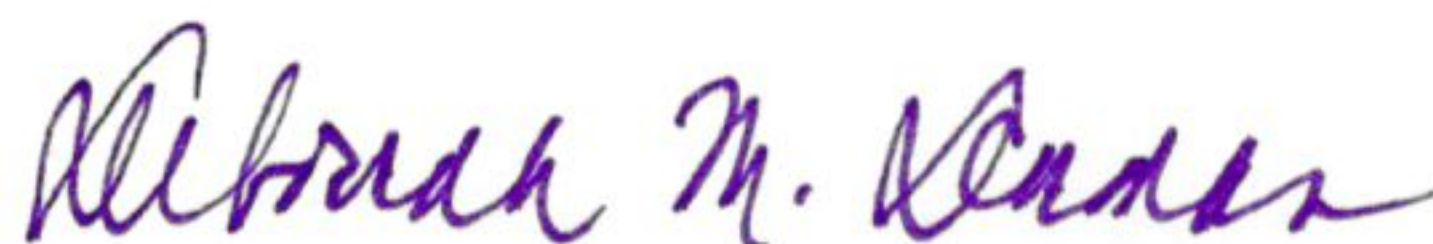
BCATd 2014-10TT by Rushmore Loan Management Services LLC, its appointed attorney in Fact. See Book 01397, Book 883.

4. However, the property was not transferred to Wilmington Savings until February 6, 2018, when MTGLQ Investors, assigned and transferred Wilmington Savings Fund Society, FSB, Doing Business as Christiana Trust, not in its individual capacity but solely as Trustees for BCAT 2014-10TT, whose address is c/o Selene Finance LP. See Book 01460, Page 560.
5. Permission for Mr. Vanderhoop to access his home at 17 South Road, Aquinnah, has been granted to him and his family members by the Wampanoag Tribe of Gay Head (Aquinnah), of which Mr. Vanderhoop is a member, and it is questionable as to whether access across Wampanoag Tribal Lands would be allowed to a third party.

THEREFORE, Mr. Vanderhoop ask this Honorable Court to issue a Temporary Restraining Order, Preliminary Injunction, and Permanent Injunction restraining and enjoining the Defendant from conducting a Foreclosure auction of 17 South Road, Aquinnah, and award any other such relief as the Court deems appropriate. Further, Mr. Vanderhoop requests that the Court schedule Preliminary Injunction Hearing prior to the expiration of any Temporary Restraining Order that may be granted.

August 23, 2018

Respectfully submitted,
MATTHEW VANDERHOOP
By his attorney,



Deborah M. Dorman, Esq.
Post Office Box 944
Tisbury, MA 02568
(774) 563-0040
BBO#635729

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT

DUKES, SS

DOCKET NO.

<u>MATTHEW VANDERHOOP,</u>)
Plaintiff)
)
VS)
)
WILMINGTON SAVINGS FUND)
SOCIETY FSB, DOING BUSINESS AS)
CHRISTIANA TRUST, NOT IN ITS)
INDIVIDUAL CAPACITY, BUT)
SOLELY AS TRUSTEE FOR BCAT)
2014-10TT,)
<u>Defendant</u>)

PLAINTIFF'S AFFIDAVIT IN SUPPORT OF
COMPLAINT AND MOTION FOR TEMPORARY
RESTRAINING INJUNCTION FOR PROTECTION FROM
AN UNLAWFUL FORECLOSURE AUCTION OF HIS
HOME, G.L.c 244, Sec. 35B

1. My name is Matthew Vanderhoop and I live at 17 Old South Road, Aquinnah, Massachusetts.
2. I obtained a mortgage on or about April 24, 2007, but when I fell behind in my mortgage payments, was unable to obtain a modification of my mortgage.
3. My mortgage changed hands so many times that it was hard to keep up with who really owned my mortgage and the documents themselves regarding my title are equally confusing.
4. I am a member of the Wampanoag Tribe of Gay Head (Aquinnah) and have received tribal permission to access my home. I believe that this right of access is limited to me and my family.
5. If the foreclosure sale of my home is allowed today, my family and I will suffer irreparable harm.

Signed under the pains and penalties of perjury:

Matthew Vanderhoop
Matthew Vanderhoop

CIVIL TRACKING ORDER
(STANDING ORDER 1- 88)

DOCKET NUMBER
1874CV00034

Trial Court of Massachusetts
The Superior Court



CASE NAME:
Matthew Vanderhoop vs. Wilmington Savings Fund Society FSB

Joseph E. Sollitto, Jr., Clerk of Court
Dukes County

TO: Deborrah M Dorman, Esq.
Law Office of Deborrah M. Dorman
Post Off Box 944
Vineyard Haven, MA 02568

COURT NAME & ADDRESS
Dukes County Superior Court
81 Main Street
P. O Box 1267
Edgartown, MA 02539

TRACKING ORDER - F - Fast Track

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

STAGES OF LITIGATION

DEADLINE

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		11/20/2018	
Response to the complaint filed (also see MRCP 12)		12/20/2018	
All motions under MRCP 12, 19, and 20	12/20/2018	01/22/2019	02/19/2019
All motions under MRCP 15	12/20/2018	01/22/2019	02/19/2019
All discovery requests and depositions served and non-expert depositions completed	06/18/2019		
All motions under MRCP 56	07/18/2019	08/19/2019	
Final pre-trial conference held and/or firm trial date set			12/16/2019
Case shall be resolved and judgment shall issue by			08/21/2020

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to

DATE ISSUED

08/22/2018

ASSISTANT CLERK

PHONE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MATTHEW VANDERHOOP,
Plaintiff,
v.
WILMINGTON SAVINGS FUND
SOCIETY FSB, D/B/A CHRISTINA
TRUST, NOT IN ITS INDIVIDUAL
CAPACITY, BUT SOLELY AS
TRUSTEE FOR BCAT 2014-10TT,
Defendant

Civil Action No. 1:18-CV-11924-FDS

CERTIFICATE OF SERVICE

I, Deborrah M. Dorman, Esq., of the Law Offices of Deborrah M. Dorman, counsel for plaintiff, Matthew Vanderhoop, in the above-identified case, hereby certify that I have on this 4th day of October 2018 served a Returned Summons, Affidavit of Process Server, Complaint and Motion for Temporary Restraining Injunctions for Protection from an Unlawful Foreclosure Auction of His Home, G.L.c. 244, Sec. 35bB, Plaintiff's Affidavit in Support of Complaint and Motion for Temporary Restraining Injunction, Civil Tracking Order, and this Certificate of Services by causing copies hereof to be sent by first-class, U.S. mail, postage prepaid, to the following:

Aaron A. Frederick, Esq.
Sassoon & Cymrot
84 State Street
Boston, MA 02109


Deborrah M. Dorman, Esq.